United Nations CEDAW/C/GAB/CO/6/Add.1

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
14 August 2018
English
Original: French
English, French and Spanish only

Committee on the Elimination of Discrimination against Women

Concluding observations on the sixth periodic report of Gabon

Addendum

Information provided by Gabon in follow-up to the concluding observations*

[Date received: 27 July 2018]

* The present document is being issued without formal editing.

Please recycle

1. Gabon, a State Member of the United Nations, has ratified a series of international instruments in the area of human rights, including the Convention on the Elimination of All Forms of Discrimination against Women, thereby demonstrating its commitment to the international community in that regard.

2. In March 2015, Gabon submitted its sixth periodic report to the Committee, which, following its review of the report, made several recommendations. Since two of those recommendations are to be considered as priorities, they require an urgent response.

3. The two recommendations in question are:

- Recommendation 11 (a);
- Recommendation 17 (a) and 17 (b).

4. The present document is also intended to serve to report on the developments that have occurred since the last report submitted by Gabon for the Committee's consideration.

Recommendation 11 (a)

5. The Committee recommends that the State party finalize, as a priority and within a clear time frame, the process of legislative reform, including the revision of the Civil Code and the Labour Code, and amend other legislation, including the Penal Code, with a view to bringing the legislation into conformity with the Convention and ensuring that all discriminatory provisions are repealed (see CEDAW/C/GAB/CO/6, para. 11 (a)).

Response

6. Much legislative progress has been made in relation to the elimination of discrimination against women since the submission of the most recent report:

7. With regard to the Civil Code:

- The Parliament's revision of Act No. 19/89 of 30 December 1989 adopting the second part of the Civil Code has made it possible to correct all the inequalities maliciously exploited by some family members of deceased persons. In that connection, certain provisions of the above-mentioned Act have been amended or repealed by Act No. 002/2015 of 25 June 2015, allowing significant progress to be achieved concerning the situation of the surviving spouse and orphans.
- In that regard, the replacement of the family council by an estate council composed of the surviving spouses or their agents, parents or their agents and descendants or their legal representatives if they are under the age of majority, gives priority to the legal inheritors, namely, the descendants, the surviving spouse or spouses and the father and mother of the deceased (new article 683 and new article 699).
- Similarly, in order to combat acts of violence, brutality and despoilment of surviving spouses or orphans, the new article 647 introduces interim protection measures that are in effect as from the time of death. These include prohibiting the eviction of the surviving spouse or spouses and orphans from the family home; prohibiting anyone from preventing the surviving spouse or spouses and orphans from being present at and involved in the funeral of the deceased, including completion of the related administrative procedures; and affixing seals to goods and movable or immovable property or placing them under compulsory administration, in accordance with the Code of Civil Procedure;

- Finally, the Code also provides that the surviving spouse and orphans or their legal representatives should have the opportunity to be assisted by a family rights defence association or a legally constituted non-governmental organization.

8. With regard to the Penal Code:

- Other than the developments achieved through the revision of Act No. 21/63 of 31 May 1963 on the Penal Code by means of Act No. 19/2013 amending certain provisions of the aforementioned Act, it is important to note that this revision has allowed the harmonization of the definition of adultery. The revision has also led to the criminalization of rape and incest and the punishment of family violence;

- In addition, certain provisions of Title XVI of the Penal Code, entitled "Crimes and Offences against Children", are in the process of being revised. A draft Children's Code is also currently being considered by the Parliament (Senate). The aim of this draft Code is to bring national legislation into line with the Convention on the Rights of the Child. In that regard, the minimum age of marriage will be set at 18 years old for both girls and boys.

- Finally, the criminalization of fetishistic crimes has been strengthened by Act No. 11/2016 of 9 August 2016, by means of which the provisions of article 229 of the Penal Code were revised and supplemented. The article now reads "murder committed with removal of organs or other parts of the human body for fetishistic, witchcraft-related and/or commercial purposes, shall be punished by life imprisonment;

- Anyone convicted of the crimes covered by the above article shall not benefit from any pardon, amnesty, conditional release or parole, or any other kind of sentence adjustment".

9. With regard to the workplace and political and administrative bodies:

- Act No. 10/2016 of 16 September 2016 on combating harassment in the workplace has been promulgated. It defines harassment as any repeated behaviour aimed at violating personal dignity and creating an intimidating, hostile, degrading, offensive or humiliating work environment. The Act distinguishes two forms of harassment, psychological harassment and sexual harassment, and imposes penalties in case of harassment. The Act also contains provisions against dismissal and other direct or indirect discriminatory measures in the context of professional harassment;

- In addition, the quotas for access by women and young people to political elections and by women to senior government positions are now regulated by Act No. 09/2016 of 5 September 2016. The principle of quotas is aimed at increasing the direct and active participation of women and young people in political life and public administration;

- Quotas ensure the representation of women and young people in Parliament, local councils and the offices of elective assemblies, and, in the case of women, in senior government positions. This rule is consistent with the consolidation of the democratic system and the elimination of all forms of discrimination against women.

Recommendation 17 (a)

10. The Committee recommends that the State party review the distribution of State resources to significantly increase the proportion allocated to the advancement of

women, sustainable development and poverty eradication (see CEDAW/C/GAB/CO/6, para. 17 (a)).

Response

11. In this regard, it should be noted that, as a result of the restrictions on and complexity of budget implementation, the numbers given below do not reflect the actual implementation of the budgeted funds.

12. The share of the State budget officially allocated to the Department for the Advancement of Women from 2014 to 2017 is as follows:

- 2014: 53,293,784 CFA francs;
- 2015: 572,067,500 CFA francs;
- 2016: 148,842,767 CFA francs;
- 2017: 129,464,776 CFA francs.

13. In sum, the budget allocated to the Department for the Advancement of Women increased from 2014 to 2015 but decreased from 2016 to 2017, which does not allow for the completion of all planned activities.

Recommendation 17 (b)

14. The Committee recommends that the State party strengthen anti-corruption measures (see CEDAW/C/GAB/CO/6, para. 17 (b)).

Response

15. Since 2009, the highest authorities of Gabon, including the Head of State, His Excellency Ali Bongo Ondimba, have made it one of their main priorities to combat corruption.

16. To that end, in 2012 Gabon produced a strategy paper for combating corruption and money-laundering, which focuses on improved governance. The strategy has several pillars, including:

- The fair and equitable redistribution of national wealth;
- The strengthening of the image and international credibility of Gabon;
- An improved business environment.

17. To implement this strategy, the non-governmental organization ONG Malachie, in partnership with the United Nations Development Programme, the National Commission to Combat Fraud and the National Financial Investigation Agency, organized a workshop in December 2015 on combating corruption and money-laundering in the workplace.

18. The objective of the workshop was to:

- Educate and inform women leaders;
- Contribute to citizen development and probity in the management of public affairs;
- Familiarize women with the legal and institutional mechanisms for combating corruption.

19. At the institutional level, Gabon has a body responsible for combating corruption and fraud.

20. In short, measures are being taken by the Government to implement the Convention, and these measures are increasing the social protection of all women. Nonetheless, our country is also continuing its efforts to attain the objectives set out in the Convention.